

**Before the State of South Carolina
Department of Insurance**

In the matter of:

Max Weisberg
7420 East Tuckey
Scottsdale, AZ 85250

File Number: 124569

**Consent Order
Imposing Administrative Penalty**

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and above named respondent, a licensed South Carolina non-resident insurance producer.

Upon review of this matter, I hereby find as fact that Max Weisberg, while licensed to do business as a non-resident insurance producer within the State of South Carolina, did fail to timely notify our Department of the existence of administrative actions taken against him by other States' insurance departments. Mr. Weisberg acknowledges this, and understands that these actions can ultimately lead to the revocation of his license to transact the business of Insurance as a producer in South Carolina, following a public hearing at the Administrative Law Court.

Prior to the initiation of any administrative proceedings by the Department against him, Mr. Weisberg and the Department agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision, rather than to proceed toward a formal public hearing. The consensual recommendation was that Max Weisberg would waive his right to a public hearing, and immediately pay an administrative penalty through the Department in the amount of \$500.00 dollars.

Section 38-43-130 of the South Carolina Code of Administrative Laws grants the Director of Insurance the power to revoke an insurance producer's license for violating any of South Carolina's Insurance laws or regulations. Moreover, § 38-43-247 (A) specifically mandates that..."a producer shall report to the Director or his designee any administrative action taken against the producer in another jurisdiction or by another governmental agency in this State, **within thirty days of the final disposition of the matter**. This report shall include a copy of the order, or other relevant legal documents."

After a thorough review of the record, and pursuant to my findings of fact, I hereby conclude as a matter of law, that Max Weisberg had violated S.C. Codes Ann. § 38-43-130 and §38-43-247 (Supp. 2004). As a result, I can now take administrative disciplinary action against his non-resident insurance producer's license. However, under the discretionary authority provided to me within S.C. Code Ann. § 38-43-130 (Supp. 2004), and after carefully considering the recommendation of the parties, I hereby impose against respondent an administrative penalty in the amount of \$500.00 dollars. He must pay the fine within ten days of the date of receipt of this Consent Order. Failure to timely pay that penalty, or if respondent is found to be in violation

of any of the State's Insurance Laws within that period, his non-resident insurance producer's license will be immediately revoked without any further disciplinary proceedings.

The parties have reached this agreement in consideration of the Department having never taken any administrative disciplinary action against Max Weisberg before, and of his assurances that in the future he will fully comply with the State's insurance laws. The parties expressly agree and understand that this resolution constitutes full accord and satisfaction of this matter.

By his signature upon this consent order, Max Weisberg acknowledges that he understands that this administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2004).

Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the Law relative to the business of Insurance or the provisions of this Title which he considers necessary to report." S.C. Code Ann. § 38-3-110 (4) (Supp. 2004).

It is, therefore, ordered that Max Weisberg shall, within ten days of the date of receipt of this consent order, pay through the Department an administrative fine in the total amount of \$500.00 dollars.

It is further ordered that a copy of this consent order be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member states and a copy be placed in Mr. Weisberg's licensing file.

This order becomes effective as of the date of my signature below.



Eleanor Kitzman
Director

April ¹⁵~~8~~, 2005, at
Columbia, South Carolina

I CONSENT: Max Weisberg

Max Weisberg
7420 E. Tuckey
Scottsdale, AZ 85250.

Dated this 17 day of April, 2005.